

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARITRANS OPERATING	:	CIVIL ACTION
COMPANY, L.P.	:	
	:	
v.	:	
	:	NO. 02-CV-4429
	:	
CHRIS-MARINE USA, INC.	:	

AMENDED SCHEDULING ORDER

AND NOW, this _____ day of September, 2003, it is ORDERED as follows:

1. All discovery, expert and otherwise, shall be completed no later than December 15, 2003.
 - a. Plaintiff(s) shall provide Defendant(s) with a copy of the report of each expert who will appear at trial on behalf of Plaintiffs no later than October 6, 2003.
 - b. Defendant(s) shall provide Plaintiff(s) with a copy of the report of each expert who will appear at trial on behalf of Defendant no later than December 15, 2003.
2. All dispositive motions shall be filed no later than December 19, 2003. Responses to dispositive motions shall be filed no later than January 5, 2004.
3. A settlement conference will be scheduled upon the request of counsel.
4. A final pretrial conference is scheduled for February 27, 2004 at 9:30 a.m. in Chambers.

5. Trial is scheduled for March 1, 2004 at 9:30 a.m. in a Courtroom to be announced.

All counsel are attached for trial.

6. On or before February 16, 2004, each party shall serve upon every other party:

- a.. A copy of each exhibit the party expects to offer at trial in furtherance of its respective contentions. Each party shall mark its trial exhibits with consecutive numbers prefixed with an identifying letter of counsel's choice (i.e., P-1, P-2, D-1, D-2);
- b. A list which shall include the name and address of each witness who will testify at trial and a brief statement of the testimony that each witness is expected to provide.

7. On or before February 23, 2004, each party shall submit the following to

Chambers.

- a. A list of all exhibits to be offered at trial and a list of all witnesses who will appear at trial;
- b. Two (2) copies of a trial memorandum setting forth the legal issues, claims, and defenses involved in the case, with the principal constitutional, statutory, regulatory and decisional authority relied upon, and a list of every item of damages claimed under a separate descriptive heading (e.g. personal injury, wrongful death, survival, loss of profits, loss of wages loss or earnings, loss of future earning capacity, libel, slander, deprivation of civil rights, property damage, pain, suffering, itemized medical expenses, balance due

under contract, interest, etc...), including a detailed description of each item and the amount of damages claimed;

8. The unavailability of any witness, as defined in Federal Rule of Civil Procedure 32 (a)(3), will not be a ground to delay the commencement or progress of an ongoing trial. The Court therefore expects the use at trial of oral or videotape depositions of any witness whose testimony a party believes essential to the presentation of that party's case, whether that witness is a party, a non-party or an expert. In the event a deposition is to be offered, the offering party shall file with the Court a copy of the deposition transcript on or before February 2, 2004. An effort shall be made by the parties to resolve all objections to oral or videotaped deposition testimony. Unresolved objections shall be noted in the margin of the deposition indicating that a court ruling is necessary and a separate list of such objections by page number and line shall accompany the transcript.
9. At commencement of trial, the parties shall submit to the Court one (1) copy of each exhibit and one (1) copy of a schedule of exhibits which shall briefly describe each exhibit.
10. Each party will be required to file proposed findings of fact and conclusions of law by a date to be set by the Court at the completion of trial. Each proposed finding or conclusion shall be listed in a separate numbered paragraph and shall be supported by pinpoint citation to either the record or the respective legal authority. The parties shall propose only those findings and conclusions that are essential to the claim or defense at issue. The parties shall obtain a copy of the transcript from

the Clerk's Office in order to file their respective proposed findings of fact and conclusions of law by such date set by the Court at the completion of trial. The cost of such transcript shall be borne equally by the parties.

11. Originals of all filing required under the Order shall be filed with the Clerk of Court, and a courtesy copy of the same shall be submitted to the Chambers of the Honorable R. Barclay Surrick (Room 5118).

IT IS SO ORDERED.

BY THE COURT:

R. Barclay Surrick, Judge